



Housing Committee
Public Hearing
March 1, 2011

Testimony of Betsy Crum,
Executive Director, Connecticut Housing Coalition

Support:
S.B. 1075 - AAC PUBLIC HOUSING GRIEVANCE PROCEDURES.
S.B. 1076 - AAC RESIDENT PARTICIPATION IN THE REVITALIZATION OF PUBLIC HOUSING.
H.B. 6461 - AAC THE SELECTION OF TENANT COMMISSIONERS.

Thank you for the opportunity to testify today. My name is Betsy Crum, and I am the Executive Director of the Connecticut Housing Coalition. The Connecticut Housing Coalition represents the broad, vibrant network of community-based affordable housing activity across the state. Our more than 250 member organizations include nonprofit developers, human service agencies, resident associations, and diverse other housing practitioners and advocates. Founded in 1981, the Coalition works to expand housing opportunity and to increase the quantity and quality of affordable housing in Connecticut.

I would like to express my strong support for the three bills before you that have been advanced by the Public Housing Residents' Network: S.B. 1075, S.B. 1076 and H.B. 6461. While I will speak to each bill individually, please know that they are all bound by a common vision: to assure the rights of public housing residents to have a seat at the table in the governance of their housing, and a voice in matters that concern their tenancy.

► H.B. 6461 – AAC The Selection of Tenant Commissioners

Each housing authority in the state is governed by a board of commissioners, usually comprised of five members, although the largest housing authorities (with more than 3000 units) may have seven-member boards. C.G.S. Section 8-41 requires that one commissioner of a five-member board be a tenant of the housing authority, and that two commissioners of a seven-member board be tenants.

All across Connecticut, residents of public housing are actively involved in making their communities better places to live. They care deeply and work hard to improve the conditions of public housing. They want their children to live in an environment that is safe and decent. And they expect that a tenant who is serving on the housing authority's board of commissioners will truly provide a tenant's voice, offering the tenants' perspective in the deliberations of the local

authority. Public housing tenants want and deserve the right to elect the tenant commissioner who is supposed to represent them.

H.B. 6461 provides an option for the election of tenant commissioners. If residents have joined together in a tenant council that encompasses all of the developments of a housing authority, they should be allowed to hold an election for tenant commissioner. If there is not an authority-wide resident council, but a sufficient number of residents petition for an election, then too residents should be able to hold an election.

We expect that, at most housing authorities, tenant commissioners will continue to be appointed through the current procedures. But where tenants seek to participate, and when they want to choose who will represent them, they should have a right to an election. As we have seen in the recent developments in Egypt and throughout the world, there is little more important than the freedom to be represented by one's vote.

Included with this testimony is proposed substitute language that is intended to clarify the election process and conform state statute to federal requirements.

► S.B. 1075 – AAC Public Housing Grievance Procedures

Section 8-68f of the Connecticut General Statutes addresses tenant rights in state subsidized housing developments. This Statute currently requires that "The Commissioner of Economic and Community Development shall adopt regulations in accordance with the provisions of chapter 54 to establish uniform minimum standards for the requirements in this section." While this has been on the books over 20 years, uniform minimum standards have not, to date, been promulgated.

The legislation proposed would establish a timeframe for publication and promulgation of required regulations. The minimum standards would address:

1. the tenant's written lease,
2. a procedure for hearing tenant complaints and grievances
3. procedures for soliciting tenant comment on proposed changes in housing authority policies and procedures, including changes to its lease and to its admission and occupancy policies, and
4. tenant participation in the housing authority's operation of state housing programs, including, where appropriate, the facilitation of tenant participation in the management of housing projects.

DECD staff has indicated their interest in seeing these regulations move forward, and we look forward to working together with them to forge standards that work for everyone.

► S.B. 1076 – AAC Resident Participation in the Revitalization of Public Housing

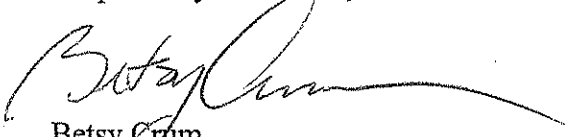
There is perhaps nothing more important to our sense of stability and safety than knowing we have a home and are part of a community. Home where we raise our children, sit down for our daily meals, talk over the events of the day, and where we sleep at night. Our neighborhood and community are how we connect with others and get support. This is true for all of us, including public housing residents.

S.B. 1076 would guarantee that residents of state public housing that is subject to sale or revitalization would have a voice in what happens with their homes and communities. This right, already guaranteed to tenants of federal public housing, acknowledges that resident and community participation are key ingredients to the ultimate success of any project plan. It also recognizes that public housing is not simply real estate, but is someone's home. As such, Housing Authorities must consider the advice, counsel, recommendations and wishes of the affected residents throughout the development process.

Attached to this testimony is a proposed amendment that would establish a written plan to set forth the process to promote effective resident participation during the planning, implementation and monitoring of activities. We believe this is important to ensure high standards for participation and that residents truly have a "seat at the table".

Thank you for your consideration.

Respectfully submitted,



Betsy Crum
Executive Director

Attachment: Proposed substitute language for H.B. 6461; Proposed amendment for S.B. 1076

H.B. 6461 – AAC The Selection of Tenant Commissioners

Proposed Substitute Language

Submitted by:

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Section 1. Section 8-41 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) For purposes of this section, a "tenant of the authority" means a tenant who lives in housing owned or managed by a housing authority or who is receiving housing assistance in a housing program directly administered by such authority. When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that [where the authority operates more than three thousand units] the chief executive officer may appoint two additional persons who are residents of the municipality if either (1) the authority operates more than three thousand units, or (2) upon the selection of a tenant commissioner pursuant to subsection (c) of this section, the additional appointments are necessary to achieve compliance with any federal requirement concerning the composition of the authority or any requirement pursuant to Section 9-167a of the general statutes. If the governing body of a town adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town, except that such body may appoint two additional persons who are residents of the town if, upon the selection of a tenant commissioner pursuant to subsection (c) of this section, the additional appointments are necessary to achieve compliance with any federal requirement concerning the composition of the authority or any requirement pursuant to Section 9-167a of the general statutes. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner,

removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members, shall be a tenant or tenants [who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year or is a tenant who previously resided in such housing for more than one year and is receiving housing assistance in a housing program directly administered by such authority and provided further that no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such authority] of the authority selected pursuant to subsection (c) of this section. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. No commissioner of an authority may hold any public office in the municipality for which the authority is created. A commissioner shall hold office until [his] such commissioner's successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive evidence of the legal appointment of such commissioner, after [he] such commissioner has taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or

employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(b) Tenants of the authority may form a tenant organization that shall have the power to recommend or designate tenants for appointment as tenant commissioner in accordance with subsection (c) of this section. Upon the election of the governing board of a tenant organization, such organization may request to be recognized by the authority as an official tenant organization representing all tenants of the authority. If the authority determines that the election of the governing board was conducted fairly and with sufficient notice of the election to all tenants of the authority, it shall recognize the tenant organization as the official tenant organization. An election of a governing board that satisfies the federal requirements for election of a resident council shall be deemed to satisfy the requirements of this subsection necessary for recognition by the authority.

[(b)] (c) Any tenant organization composed of tenants [residing within units owned or managed by the appointing] of the authority may indicate to such authority its desire to be notified of any pending appointment of any such commissioner. A reasonable time before appointing any such commissioner, the [appointing] authority shall notify any such tenant organization, [and, in making such appointment, such authority shall consider tenants suggested by such tenant organizations.] If a tenant organization has been recognized by the authority as the official tenant organization, then the appointee as tenant commissioner shall be selected by (1) a fair election by the tenants of the authority, provided all such tenants received sufficient notice of such election, or (2) other means provided for in the by-laws adopted by such tenant organization, including, but not limited to, selection by its governing board. If a tenant association has not been recognized by the authority as the official tenant organization and if ten per cent of the tenants of the authority or seventy-five tenants, whichever is less, petition the authority for an election, then the appointee as tenant commissioner shall be selected by a fair election by the tenants of the authority, provided all such tenants received sufficient notice of such election. If an appointee as tenant commissioner has not been selected by an election of the tenants of the authority or by other means pursuant to the by-laws adopted by an official tenant organization, then the appointing authority shall select the appointee. In making such selection, the appointing authority shall consider any tenants suggested by tenant organizations.

(d) For any election conducted pursuant to subsection (c) of this section for an authority having more than five members, qualifications may be established for the second tenant commissioner if necessary to achieve compliance with any federal requirement concerning the composition of the authority or any requirement pursuant to Section 9-167a of the general statutes.

[(d)] (e) For any election conducted pursuant to subsections (b) and (c) of this section, the housing authority shall use its best efforts to secure a neutral third-party organization to administer such election. To the extent practicable, such third-party organization shall be selected with the agreement of the official tenant organization, if any.

[(c)] [(e)] (f) Notwithstanding any provision of subsection (a) of this section or any other provision of the general statutes, [to the contrary,] a commissioner of an authority may serve as a justice of the peace or a registrar of voters.

Explanation:

Board of Commissioners Composition:

There is the possibility that the election of a tenant commissioner may result in non-compliance with other legal requirements. Specifically, the election of a resident from state public housing would conflict with the HUD regulation (24 CFR 964.410, 964.415) that requires the tenant commissioner to be a resident of federal public housing. Further, the election of a tenant commissioner from the majority political party may, depending on the balance of the board, violate the state's minority party representation statute (CGS Sec. 9-167a).

Current state law allows a municipal option for a housing authority with more than 3,000 units to expand from a five-member board to a seven-member board. The proposed substitute language would provide this same option for a housing authority if a tenant election results in non-compliance with either the federal tenant commissioner rule or the state's political representation law, so that compliance may be achieved.

Recognition of Official Tenant Organizations:

Questions have been raised about the standards for recognizing the official tenant organization and the potential for a tenant organization to lose legitimacy (for example, an organization dominated by a few individuals who have not stood for election for very many years). HUD regulations (24 CFR 964.130) provide clear standards for the election of resident councils, including a requirement for elections at least every three years. The proposed substitute language adds a reference to the federal requirements for the election of resident councils.

S.B. 1076 – AAC Resident Participation in the Revitalization of Public Housing

Proposed Amendment

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SB 1076/LCO 3620

In line 26, after “activities”, insert the sentence:

Such methods, and any agreement establishing such methods, shall include a written plan that sets forth a specific and ongoing process to promote effective resident participation and protect the interests of residents during the planning, implementation and monitoring of the major physical transformation or disposition activities.

Explanation:

Resident participation methods may vary widely, from a limited number of hearings to more extensive involvement activities in which residents are genuinely “at the table” as decisions are made throughout the process. It is important that the bill provides high standards for the resident participation